

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KENNETH PAUL GALLINA,

Case No. 07-12640

Plaintiff,

v.

Honorable Paul V. Gadola,
United States District Judge

WYANDOTTE POLICE DEPT.,
ET.AL.,

Honorable R. Steven Whalen
United States Magistrate Judge

Defendants.

**ORDER GRANTING MOTION TO COMPEL
PLAINTIFF'S DEPOSITION**

Before the Court is Defendants' motion to compel discovery [Docket #36], specifically, to compel Plaintiff's deposition. Plaintiff has not filed a response.

Defendants indicate that Plaintiff's deposition was scheduled on four different dates, and Plaintiff failed to appear each time. In addition, Plaintiff informed Defendants' counsel that he would be unable to attend a re-scheduled deposition because of some unspecified commitment.

Notwithstanding the fact that the Plaintiff is proceeding *pro se*, he is required to follow the Rules of Civil Procedure. Likewise, the Defendants are entitled to take his deposition. Fed.R.Civ.P. 30.

Therefore, Defendants' motion to compel [Docket #36] is GRANTED. Plaintiff shall appear for his deposition within 14 days of the date of this Order. The deposition shall take

place at a date, time and place to be determined by Defendants' counsel, with the only limitations being that it shall occur during the work-week (Monday through Friday), between the hours of 8:30 a.m. and 7:00 p.m., in the tri-county area (Wayne, Oakland and Macomb Counties).

Furthermore, pursuant to Fed.R.Civ.P. 37, Plaintiff is assessed costs in the amount of \$100.00 based on his unexcused failure to cooperate in discovery, necessitating the filing of this motion. Plaintiff shall pay this amount to Defendants' attorney within 30 days of the date of this Order.

PLAINTIFF'S FAILURE TO COMPLY WITH THIS ORDER MAY RESULT IN SEVERE SANCTIONS UNDER RULE 37, INCLUDING THE DISMISSAL OF HIS COMPLAINT.

SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: June 3, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on June 3, 2008.

s/G. Wilson
Judicial Assistant